



April 3, 2009

ENGROSSED HOUSE BILL No. 1468

DIGEST OF HB 1468 (Updated March 31, 2009 1:33 pm - DI 106)

Citations Affected: IC 4-6; IC 15-17; IC 15-21; IC 25-38.1; IC 35-46; noncode.

Synopsis: Animal cruelty and commercial dog breeders. Authorizes the board of animal health to establish a registry of commercial dog brokers and commercial dog breeders in Indiana. Exempts animal shelters, humane societies, certain animal rescue operations, hobby breeders, people who breed hunting dogs for sport, and people who breed dogs for use by police or the military from the requirements imposed on commercial dog breeders. Defines "hobby breeder" as a person who maintains 20 or fewer unaltered female dogs at least 12 months of age, and defines "commercial dog breeder" as a person who maintains more than 20 unaltered female dogs at least 12 months of age. Specifies that a "commercial dog broker" as a person who is licensed under federal law and sells at least 500 dogs in a calendar year. Requires commercial breeders and brokers to register with the board of animal health, and specifies that failure to register is a Class A misdemeanor. Provides that a commercial dog breeder must register annually with the board and pay a fee based on the number of unaltered
(Continued next page)

Effective: July 1, 2009.

**Lawson L, Van Haaften, Walorski,
Torr**

(SENATE SPONSORS — LUBBERS, ZAKAS, SIMPSON, LANANE)

January 14, 2009, read first time and referred to Committee on Courts and Criminal Code.
February 12, 2009, amended, reported — Do Pass.
February 17, 2009, read second time, amended, ordered engrossed.
February 18, 2009, engrossed.
February 19, 2009, read third time, passed. Yeas 81, nays 14.

SENATE ACTION

February 23, 2009, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.
April 2, 2009, amended, reported favorably — Do Pass.

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female dogs the breeder owns. Specifies that a person who fails to register is liable for double unpaid fees, which the attorney general may collect. Requires a commercial dog broker to register and pay a \$1,000 annual fee. Provides that a breeder or broker who knowingly or intentionally makes a material misstatement in registering commits a Class A misdemeanor. Requires a commercial breeder to comply with the standards of care established by the United States Department of Agriculture (USDA). Requires a commercial breeder to provide a consumer with certain veterinary records, and to keep its own records for at least five years. Prohibits a unit from adopting more stringent requirements concerning commercial dog breeders. Authorizes the board of animal health to enforce the USDA standards when sufficient fees have been deposited in the breeder and broker fund to permit enforcement, and grants the board of animal health the authority to enforce the commercial breeder provisions by seeking injunctive relief or a civil penalty of \$500 for a knowing violation, \$1,000 for an intentional violation, and \$5,000 for the knowing or intentional violation of an injunction. Permits the board to seek an injunction to prohibit a commercial dog breeder from registering for not more than 3 years. Amends the definition of "neglect" in the animal cruelty law to include: (1) restraining an animal by a rope or tether in a manner that endangers the animal's life or health, or that physically harms the animal; or (2) failing to provide reasonable care for a dog's injury or illness if the injury or illness seriously endangers the life or health of the dog. Exempts from animal cruelty laws the destruction of an animal by an animal control program, or destruction of an injured or ill animal by an individual to prevent the animal from prolonged suffering. Increases the penalty for a second or subsequent offense of animal neglect to a Class A misdemeanor.

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April 3, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1468

A BILL FOR AN ACT to amend the Indiana Code concerning animals and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 4-6-3-2, AS AMENDED BY P.L.222-2005,
2 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]: Sec. 2. (a) The attorney general shall have charge of
4 and direct the prosecution of all civil actions that are brought in the
5 name of the state of Indiana or any state agency.
6 (b) In no instance under this section shall the state or a state agency
7 be required to file a bond.
8 (c) This section does not affect the authority of prosecuting
9 attorneys to prosecute civil actions.
10 (d) This section does not affect the authority of the inspector general
11 to prosecute a civil action under IC 4-2-7-6 for the recovery of funds
12 misappropriated, diverted, missing, or unlawfully gained.
13 (e) **The attorney general may bring an action to collect unpaid**
14 **registration fees owed by a commercial dog broker or a**
15 **commercial dog breeder under IC 15-21.**
16 SECTION 2. IC 15-17-3-13, AS ADDED BY P.L.2-2008,
17 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2009]: Sec. 13. In addition to the powers and duties given the board in this article and by law, the board has the powers and duties reasonable and necessary to do the following:

(1) Provide for the quarantine of animals and objects to prevent, control, and eradicate diseases and pests of animals.

(2) Develop, adopt, and implement programs and procedures for establishing and maintaining accredited, certified, validated, or designated disease or pest free or disease or pest monitored animals, herds, flocks, or areas, including the following:

(A) The establishment and maintenance of herds that are monitored for disease or pest syndromes.

(B) The establishment and maintenance of certified or validated brucellosis free herds, animals, and areas.

(C) The establishment and maintenance of accredited tuberculosis free herds, animals, and areas.

(3) Develop, adopt, and implement programs and plans for the prevention, detection, control, and eradication of diseases and pests of animals.

(4) Control or prohibit, by permit or other means, the movement and transportation into, out of, or within Indiana of animals and objects in order to prevent, detect, control, or eradicate diseases and pests of animals. When implementing controls or prohibitions the board may consider whether animals or objects are diseased, suspected to be diseased, or under quarantine, or whether the animals or objects originated from a country, a state, an area, or a premises that is known or suspected to harbor animals or objects infected with or exposed to a disease or pest of animals.

(5) Control or prohibit the public and private sale of animals and objects in order to prevent the spread of disease and pests of animals.

(6) Control the use, sanitation, and disinfection of:

(A) public stockyards; and

(B) vehicles used to transport animals and objects into and within Indiana;

to accomplish the objectives of this article.

(7) Control the use, sanitation, and disinfection of premises, facilities, and equipment to accomplish the objectives of this article.

(8) Control the movement of animals and objects to, from, and within premises where diseases or pests of animals may exist.

(9) Control the movement and disposal of carcasses of animals and objects.

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(10) Control the manufacture, sale, storage, distribution, handling, and use of serums, vaccines, and other biologics and veterinary drugs, except those drugs for human consumption regulated under IC 16-42-19, to be used for the prevention, detection, control, and eradication of disease and pests of animals.

(11) Control and prescribe the means, methods, and procedures for the vaccination or other treatment of animals and objects and the conduct of tests for diseases and pests of animals.

(12) Develop, adopt, and implement plans and programs for the identification of animals, objects, premises, and means of conveyances. Plans and programs may include identification:

(A) of animals or objects that have been condemned under this article; and

(B) related to classification as to disease, testing, vaccination, or treatment status.

(13) Establish the terms and method of appraisal or other determination of value of animals and objects condemned under this article, the payment of any indemnities that may be provided for the animals and objects, and the regulation of the sale or other disposition of the animals or objects.

(14) Control the sale of baby chicks.

(15) Cooperate and enter into agreements with the appropriate departments and agencies of this state, any other state, or the federal government to prevent, detect, control, and eradicate diseases and pests of animals.

(16) Control or prohibit the movement and transportation into, out of, or within Indiana of wild animals, including birds, that might carry or disseminate diseases or pests of animals.

(17) Provide for condemning or abating conditions that cause, aggravate, spread, or harbor diseases or pests of animals.

(18) Establish and designate, in addition to the animal disease diagnostic laboratory under IC 21-46-3-1, other laboratories necessary to make tests of any nature for diseases and pests of animals.

(19) Investigate, develop, and implement the best methods for the prevention, detection, control, suppression, or eradication of diseases and pests of animals.

(20) Investigate, gather, and compile information concerning the organization, business conduct, practices, and management of any registrant, licensee, permittee, applicant for a license, or applicant for a permit.

(21) Investigate allegations of unregistered, unlicensed, and

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unpermitted activities.

(22) Institute legal action in the name of the state of Indiana necessary to enforce:

(A) the board's orders and rules; and

(B) this article.

(23) Control the collection, transportation, and cooking of garbage to be fed to swine or other animals and all matters of sanitation relating to the collection, transportation, and cooking of garbage affecting the health of swine or other animals and affecting public health and comfort.

(24) Adopt an appropriate seal.

(25) Issue orders as an aid to enforcement of the powers granted by this article, IC 15-18-1, and IC 15-19-6.

(26) Control disposal plants and byproducts collection services and all matters connected to disposal plants and byproducts collection services.

(27) Abate biological or chemical substances that:

(A) remain in or on any animal before or at the time of slaughter as a result of treatment or exposure; and

(B) are found by the board to be or have the potential of being injurious to the health of animals or humans.

(28) Regulate the production, manufacture, processing, and distribution of products derived from animals to control health hazards that may threaten:

(A) animal health;

(B) the public health and welfare of the citizens of Indiana; and

(C) the trade in animals and animal products in and from Indiana.

(29) Cooperate and coordinate with local, state, and federal emergency management agencies to plan and implement disaster emergency plans and programs as the plans and programs relate to animals in Indiana.

(30) Assist law enforcement agencies investigating allegations of cruelty and neglect of animals.

(31) Assist organizations that represent livestock producers with issues and programs related to the care of livestock.

(32) Establish a registry of commercial dog brokers and commercial dog breeders in Indiana.

SECTION 3. IC 15-21 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

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**ARTICLE 21. COMMERCIAL DOG BREEDER
REGULATION**

Chapter 1. Application and Definitions

Sec. 1. (a) This article does not apply to:

- (1) an animal shelter;
- (2) a humane society;
- (3) an animal rescue operation that complies with the standards of care set forth in 9 CFR 3.1 through 9 CFR 3.12;
- (4) a hobby breeder;
- (5) a person who breeds sport dogs for hunting purposes; or
- (6) a person who breeds dogs for use by the police or the armed forces.

(b) As used in this section, "animal rescue operation" means a person or organization:

- (1) that accepts within one (1) year:
 - (A) more than twelve (12) dogs; or
 - (B) more than nine (9) dogs and more than three (3) unweaned litters of puppies;
 that are available for adoption for human companionship as pets or as companion animals in permanent adoptive homes and that are maintained in a private residential dwelling; or
- (2) that uses a system of private residential dwellings as foster homes for the dogs.

The term does not include a person or organization that breeds dogs.

(c) As used in this section, "hobby breeder" means a person who maintains fewer than twenty (20) unaltered female dogs that are at least twelve (12) months of age.

Sec. 2. The definitions in sections 3 through 8 of this chapter apply throughout this article.

Sec. 3. "Board" refers to the Indiana state board of animal health established by IC 15-17-3-1.

Sec. 4. "Commercial dog breeder" means a person who maintains more than twenty (20) unaltered female dogs that are at least twelve (12) months of age.

Sec. 5. "Commercial dog broker" means a person:

- (1) who is a Class "B" licensee under 9 CFR 1.1; and
- (2) who sells at least five hundred (500) dogs in a calendar year.

Sec. 6. "Person" means an individual, corporation, limited liability company, partnership, or other business entity.

Sec. 7. "Pest" means a pest, pathogen, or parasite that may

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1 cause illness to a dog.

2 Sec. 8. "Veterinarian" means an individual licensed as a
3 veterinarian under IC 25-38.1.

4 Chapter 2. Commercial Dog Broker and Commercial Dog
5 Breeder Registration

6 Sec. 1. A person may not operate:

7 (1) a commercial dog breeder operation; or

8 (2) as a commercial dog broker;

9 without being registered with the board in accordance with this
10 chapter.

11 Sec. 2. A person who:

12 (1) is registered as a commercial dog breeder; and

13 (2) operates a commercial dog breeder operation;

14 shall indicate that the person is registered as a commercial dog
15 breeder in a place clearly visible to the public.

16 Sec. 3. (a) A commercial dog breeder who knowingly or
17 intentionally fails to register with the board as a commercial dog
18 breeder commits a Class A misdemeanor.

19 (b) A commercial dog broker who knowingly or intentionally
20 fails to register with the board as a commercial dog broker
21 commits a Class A misdemeanor.

22 (c) A commercial dog breeder or a commercial dog broker who
23 fails to register with the board is liable to the state for two (2) times
24 the amount of registration fees that the commercial dog breeder or
25 commercial dog broker failed to pay. The attorney general may
26 bring an action to collect unpaid commercial dog breeder or
27 commercial dog broker registration fees. Funds collected under
28 this subsection shall be deposited in the commercial dog breeder
29 and broker fund established by IC 15-21-3-3.

30 Chapter 3. Registration Requirements

31 Sec. 1. (a) A commercial dog breeder shall register annually
32 with the board.

33 (b) The board shall provide for notice of the upcoming
34 expiration of registration to each registrant at least thirty (30) days
35 before the expiration of the one (1) year period.

36 (c) The fee to register or renew a registration as a commercial
37 dog breeder is:

38 (1) seventy-five dollars (\$75) if the person has not more than
39 fifty (50) unaltered female dogs at least twelve (12) months of
40 age;

41 (2) two hundred dollars (\$200) if the person has more than
42 fifty (50) but not more than one hundred (100) unaltered

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female dogs at least twelve (12) months of age;
 (3) three hundred dollars (\$300) if the person has more than one hundred (100) but not more than one hundred fifty (150) unaltered female dogs at least twelve (12) months of age;
 (4) four hundred dollars (\$400) if the person has more than one hundred fifty (150) but not more than two hundred fifty (250) unaltered female dogs at least twelve (12) months of age; and
 (5) five hundred dollars (\$500) if the person has more than two hundred fifty (250) unaltered female dogs at least twelve (12) months of age.

The fee shall be deposited in the commercial dog breeder and broker fund established by section 3 of this chapter.

(d) A person who registers or renews a registration as a commercial dog breeder must include the following:

- (1) The name and address of the person's commercial dog breeding operation.
- (2) The name and address of the registrant.
- (3) A statement that the person's commercial dog breeding operation complies with the requirements of IC 15-21-4.
- (4) Any other information related to taxation that is required by the board.

(e) A person who knowingly or intentionally makes a material misstatement in a commercial dog breeder registration statement commits false registration as a commercial dog breeder, a Class A misdemeanor.

Sec. 2. (a) A commercial dog broker shall register annually with the board.

(b) The board shall provide for notice of the upcoming expiration of registration to each registrant at least thirty (30) days before the expiration of the one (1) year period.

(c) The fee to register or renew a registration as a commercial dog broker is one thousand dollars (\$1,000). The fee shall be deposited in the commercial dog breeder and broker fund established by section 3 of this chapter.

(d) A person who registers or renews a registration as a commercial dog broker must include the following:

- (1) The name and address of the person acting as a commercial dog broker.
- (2) The name and location of the person's commercial dog broker business.
- (3) Any other information related to taxation that is required

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by the board.

(e) A person who knowingly or intentionally makes a material misstatement in a commercial dog broker registration statement commits false registration as a commercial dog broker, a Class A misdemeanor.

Sec. 3. (a) The commercial dog breeder and broker fund is established for the purpose of funding:

(1) the inspection of commercial dog breeding operations by the board; and

(2) the enforcement by the board of laws concerning commercial dog breeders and commercial dog brokers.

The fund shall be administered by the board.

(b) The fund consists of:

(1) commercial dog breeder and commercial dog broker fees; and

(2) donations to the fund.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(f) Money in the fund is continually appropriated to carry out the purposes of the fund.

(g) The board may adopt rules under IC 4-22-2 to implement this chapter.

Chapter 4. Duties of Commercial Dog Breeders

Sec. 1. A commercial dog breeder shall comply with the standards of care set forth in 9 CFR 3.1 through 9 CFR 3.12.

Chapter 5. Records

Sec. 1. A commercial dog breeder shall provide a consumer with a copy of a dog's vaccination, medication, and treatment records at the time a consumer purchases, exchanges, or adopts the dog.

Sec. 2. A commercial dog breeder shall maintain its records for at least five (5) years.

Chapter 6. Units

Sec. 1. (a) As used in this section, "unit" has the meaning set forth in IC 36-1-2-23.

(b) A unit may not adopt an ordinance concerning regulation of commercial dog breeders that imposes more stringent or detailed

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requirements than the requirements under this article.

(c) A unit may not adopt or enforce an ordinance concerning the regulation of commercial dog breeders that contains requirements less stringent or detailed than the requirements under this article.

Chapter 7. Enforcement

Sec. 1. (a) The board may enforce this article when the board determines that sufficient funds have been deposited in the commercial dog breeder and broker fund to permit enforcement.

(b) In enforcing this article, the board may:

(1) seek injunctive relief;

(2) issue an order of compliance notifying the commercial dog breeder or commercial dog broker of a violation and requiring corrective action by a certain date; and

(3) impose a civil penalty of not more than:

(A) five hundred dollars (\$500) for a knowing violation;

(B) one thousand dollars (\$1,000) for an intentional violation; and

(C) five thousand dollars (\$5,000) for knowingly or intentionally violating an injunction.

(c) The board may seek an injunction to prohibit a commercial dog breeder from registering with the board for not more than three (3) years.

(d) Subsection (a) does not prohibit the board from assisting a law enforcement agency in a criminal investigation.

SECTION 4. IC 25-38.1-4-8.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 8.3. A veterinarian may report a suspected incident of animal cruelty under IC 35-46-3 to a law enforcement officer.**

SECTION 5. IC 25-38.1-4-8.5, AS ADDED BY P.L.58-2008, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8.5. A veterinarian or registered veterinary technician who reports in good faith and in the normal course of business a suspected incident of animal cruelty under ~~IC 35-46-3-12~~ **IC 35-46-3** to a law enforcement officer is immune from liability in any civil or criminal action brought for reporting the incident.

SECTION 6. IC 35-46-3-0.5, AS ADDED BY P.L.171-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 0.5. The following definitions apply throughout this chapter:

(1) "Abandon" means to desert an animal or to leave the animal permanently in a place without making provision for adequate

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long term care of the animal. The term does not include leaving an animal in a place that is temporarily vacated for the protection of human life during a disaster.

(2) "Beat" means to unnecessarily or cruelly strike an animal, or to throw the animal against an object causing the animal to suffer severe pain or injury. The term does not include reasonable training or disciplinary techniques.

(3) "Mutilate" means to wound, injure, maim, or disfigure an animal by irreparably damaging the animal's body parts or to render any part of the animal's body useless. The term includes bodily injury involving:

(A) serious permanent disfigurement;

(B) serious temporary disfigurement;

(C) permanent or protracted loss or impairment of the function of a bodily part or organ; or

(D) a fracture.

(4) "Neglect" means to:

(A) endanger an animal's health by failing to provide the animal with food or drink, if the animal is dependent upon the person for the provision of food or drink; ~~or~~

(B) restrain an animal for more than a brief period by the use of a rope, chain, or tether that:

(i) is less than three (3) times the length of the animal;

(ii) is too heavy to permit the animal to move freely; ~~or~~

(iii) causes the animal to choke; **or**

(iv) restrains the animal in a manner that physically harms the animal;

(D) fail to provide reasonable care for a dog's injury or illness if the injury or illness seriously endangers the life or health of the dog.

(5) "Torture" means:

(A) to inflict extreme physical pain or injury on an animal with the ~~sole~~ intent of increasing or prolonging the animal's pain; or

(B) to administer poison to a cat or dog, or expose a cat or dog to a poisonous substance with the intent that the cat or dog ingest the substance and suffer harm, pain, or physical injury.

SECTION 7. IC 35-46-3-5, AS AMENDED BY P.L.2-2008, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) Except as provided in subsections (b) through (c), this chapter does not apply to the following:

(1) Fishing, hunting, trapping, or other conduct authorized under IC 14-22.

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- 1 (2) Conduct authorized under IC 15-20-2.
 2 (3) Veterinary practices authorized by standards adopted under
 3 IC 25-38.1-2-14.
 4 (4) Conduct authorized by a local ordinance.
 5 (5) Acceptable farm management practices.
 6 (6) Conduct authorized by ~~IC 15-17-5~~, **IC 15-17**, and rules
 7 adopted under ~~IC 15-17-5~~ **IC 15-17** for state or federally
 8 inspected livestock slaughtering facilities **and state or federal**
 9 **animal disease control programs.**
 10 (7) A research facility registered with the United States
 11 Department of Agriculture under the federal Animal Welfare Act
 12 (7 U.S.C. 2131 et seq.).
 13 (8) Destruction of a vertebrate defined as a pest under
 14 IC 15-16-5-24.
 15 (9) Destruction of or injury to a fish.
 16 (10) Destruction of a vertebrate animal that is:
 17 (A) endangering, harassing, or threatening livestock or a
 18 domestic animal; or
 19 (B) destroying or damaging a person's property.
 20 **(11) Destruction of an animal by an animal control program,**
 21 **including an animal control facility, an animal shelter, or a**
 22 **humane society.**
 23 **(12) Destruction of an injured or ill animal by an individual**
 24 **to prevent the animal from prolonged suffering.**
 25 (b) Section 1 of this chapter applies to conduct described in
 26 subsection (a).
 27 (c) Destruction of an animal by electrocution is authorized under
 28 this section only if it is conducted by a person who is engaged in an
 29 acceptable farm management practice, by a research facility registered
 30 with the United States Department of Agriculture under the Animal
 31 Welfare Act, or for the animal disease diagnostic laboratory established
 32 under IC 21-46-3-1, a research facility licensed by the United States
 33 Department of Agriculture, a college, or a university.
 34 SECTION 8. IC 35-46-3-7, AS AMENDED BY P.L.171-2007,
 35 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2009]: Sec. 7. (a) A person who owns a vertebrate animal and
 37 who recklessly, knowingly, or intentionally abandons or neglects the
 38 animal commits cruelty to an animal, a Class B misdemeanor.
 39 **However, except for a conviction under section 1 of this chapter,**
 40 **the offense is a Class A misdemeanor if the person has a prior**
 41 **unrelated conviction under this chapter.**
 42 (b) It is a defense to a prosecution under this section that the owner

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1 reasonably believed that the vertebrate animal was capable of surviving
2 on its own.

3 SECTION 9. [EFFECTIVE JULY 1, 2009] **IC 35-46-3-0.5 and**
4 **IC 35-46-3-7, both as amended by this act, apply only to crimes**
5 **committed after June 30, 2009.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1468, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 2. IC 15-17-3-13, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. In addition to the powers and duties given the board in this article and by law, the board has the powers and duties reasonable and necessary to do the following:

- (1) Provide for the quarantine of animals and objects to prevent, control, and eradicate diseases and pests of animals.
- (2) Develop, adopt, and implement programs and procedures for establishing and maintaining accredited, certified, validated, or designated disease or pest free or disease or pest monitored animals, herds, flocks, or areas, including the following:
 - (A) The establishment and maintenance of herds that are monitored for disease or pest syndromes.
 - (B) The establishment and maintenance of certified or validated brucellosis free herds, animals, and areas.
 - (C) The establishment and maintenance of accredited tuberculosis free herds, animals, and areas.
- (3) Develop, adopt, and implement programs and plans for the prevention, detection, control, and eradication of diseases and pests of animals.
- (4) Control or prohibit, by permit or other means, the movement and transportation into, out of, or within Indiana of animals and objects in order to prevent, detect, control, or eradicate diseases and pests of animals. When implementing controls or prohibitions the board may consider whether animals or objects are diseased, suspected to be diseased, or under quarantine, or whether the animals or objects originated from a country, a state, an area, or a premises that is known or suspected to harbor animals or objects infected with or exposed to a disease or pest of animals.
- (5) Control or prohibit the public and private sale of animals and objects in order to prevent the spread of disease and pests of animals.
- (6) Control the use, sanitation, and disinfection of:
 - (A) public stockyards; and
 - (B) vehicles used to transport animals and objects into and

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- within Indiana;
to accomplish the objectives of this article.
- (7) Control the use, sanitation, and disinfection of premises, facilities, and equipment to accomplish the objectives of this article.
- (8) Control the movement of animals and objects to, from, and within premises where diseases or pests of animals may exist.
- (9) Control the movement and disposal of carcasses of animals and objects.
- (10) Control the manufacture, sale, storage, distribution, handling, and use of serums, vaccines, and other biologics and veterinary drugs, except those drugs for human consumption regulated under IC 16-42-19, to be used for the prevention, detection, control, and eradication of disease and pests of animals.
- (11) Control and prescribe the means, methods, and procedures for the vaccination or other treatment of animals and objects and the conduct of tests for diseases and pests of animals.
- (12) Develop, adopt, and implement plans and programs for the identification of animals, objects, premises, and means of conveyances. Plans and programs may include identification:
- (A) of animals or objects that have been condemned under this article; and
 - (B) related to classification as to disease, testing, vaccination, or treatment status.
- (13) Establish the terms and method of appraisal or other determination of value of animals and objects condemned under this article, the payment of any indemnities that may be provided for the animals and objects, and the regulation of the sale or other disposition of the animals or objects.
- (14) Control the sale of baby chicks.
- (15) Cooperate and enter into agreements with the appropriate departments and agencies of this state, any other state, or the federal government to prevent, detect, control, and eradicate diseases and pests of animals.
- (16) Control or prohibit the movement and transportation into, out of, or within Indiana of wild animals, including birds, that might carry or disseminate diseases or pests of animals.
- (17) Provide for condemning or abating conditions that cause, aggravate, spread, or harbor diseases or pests of animals.
- (18) Establish and designate, in addition to the animal disease diagnostic laboratory under IC 21-46-3-1, other laboratories necessary to make tests of any nature for diseases and pests of

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animals.

(19) Investigate, develop, and implement the best methods for the prevention, detection, control, suppression, or eradication of diseases and pests of animals.

(20) Investigate, gather, and compile information concerning the organization, business conduct, practices, and management of any registrant, licensee, permittee, applicant for a license, or applicant for a permit.

(21) Investigate allegations of unregistered, unlicensed, and unpermitted activities.

(22) Institute legal action in the name of the state of Indiana necessary to enforce:

(A) the board's orders and rules; and

(B) this article.

(23) Control the collection, transportation, and cooking of garbage to be fed to swine or other animals and all matters of sanitation relating to the collection, transportation, and cooking of garbage affecting the health of swine or other animals and affecting public health and comfort.

(24) Adopt an appropriate seal.

(25) Issue orders as an aid to enforcement of the powers granted by this article, IC 15-18-1, and IC 15-19-6.

(26) Control disposal plants and byproducts collection services and all matters connected to disposal plants and byproducts collection services.

(27) Abate biological or chemical substances that:

(A) remain in or on any animal before or at the time of slaughter as a result of treatment or exposure; and

(B) are found by the board to be or have the potential of being injurious to the health of animals or humans.

(28) Regulate the production, manufacture, processing, and distribution of products derived from animals to control health hazards that may threaten:

(A) animal health;

(B) the public health and welfare of the citizens of Indiana; and

(C) the trade in animals and animal products in and from Indiana.

(29) Cooperate and coordinate with local, state, and federal emergency management agencies to plan and implement disaster emergency plans and programs as the plans and programs relate to animals in Indiana.

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(30) Assist law enforcement agencies investigating allegations of cruelty and neglect of animals.

(31) Assist organizations that represent livestock producers with issues and programs related to the care of livestock.

(32) Establish an electronic registry of commercial dog breeders in Indiana.

SECTION 3. IC 15-21 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

ARTICLE 21. COMMERCIAL DOG BREEDER REGULATION

Chapter 1. Application and Definitions

Sec. 1. (a) This article does not apply to an animal shelter, humane society, or animal rescue operation.

(b) As used in this section, "animal rescue operation" means a person or organization that accepts within a year:

(1) more than twelve (12) dogs; or

(2) more than nine (9) dogs and more than three (3) unweaned litters of puppies;

that are available for adoption for human companionship as pets or as companion animals in permanent adoptive homes and that are maintained in a private residential dwelling or uses a system of private residential dwellings as foster homes for the dogs. The term does not include a person or organization that breeds dogs.

Sec. 2. The definitions in sections 3 through 8 of this chapter apply throughout this article.

Sec. 3. "Board" refers to the Indiana state board of animal health established by IC 15-17-3-1.

Sec. 4. "Commercial dog breeder" means a person who maintains adult female dogs that produce ten (10) or more litters in one (1) twelve (12) month period.

Sec. 5. "Person" means an individual, corporation, limited liability company, partnership, or other business entity.

Sec. 6. "Pest" means a pest, pathogen, or parasite that may cause illness to a dog.

Sec. 7. "Pet dealer" means any person, or the employee of a person, who:

(1) engages in the sale of dogs to the public for profit; or

(2) sells or offers for sale more than five (5) dogs in one (1) year.

Sec. 8. "Veterinarian" means an individual licensed as a veterinarian under IC 25-38.1.

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Chapter 2. Commercial Dog Breeder Registration

Sec. 1. A person may not operate a commercial dog breeder operation without being registered as a commercial dog breeder with the board.

Sec. 2. A person who:

- (1) is registered as a commercial dog breeder; and
- (2) operates a commercial dog breeder operation;

shall indicate that the person is registered as a commercial dog breeder in a place clearly visible to the public.

Sec. 3. A person who knowingly or intentionally violates section 1 of this chapter commits a Class B misdemeanor. However, the offense is a Class A misdemeanor if the commercial dog breeder maintains more than thirty (30) dogs that are at least one (1) year of age and that have not been spayed or neutered.

Chapter 3. Renewal of a Registration

Sec. 1. (a) A person's registration as a commercial dog breeder expires after four (4) years.

(b) The board shall provide for electronic notice of the upcoming expiration of registration to each registrant at least sixty (60) days before the expiration of the four (4) year period.

Chapter 4. Duties of Commercial Dog Breeders

Sec. 1. A commercial dog breeder shall do the following:

- (1) Maintain sanitary conditions of the premises where dogs are present.
- (2) Maintain and use equipment for the care of the dogs in a manner to ensure the proper storage and disposal of:
 - (A) waste; and
 - (B) any disease contaminated material;
 to control vermin, insects, the spread of pests or disease, and obnoxious odors.
- (3) Use effective control measures to prevent infestation of the dogs and premises from external pests and vermin.
- (4) Provide and maintain natural or artificial illumination in all areas where dogs are kept. The illumination must be adequate to provide efficient inspection and cleaning of the dogs, premises, enclosures, and cages. Cages and enclosures that are in use must be placed in a manner to protect each dog from excessive or stressful illumination.
- (5) Provide a sufficiently heated structure to protect the dogs from the cold and to provide for their health and comfort at all times. Except for dogs that require a higher temperature, the temperature of the structure must be at least sixty-five

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(65) degrees Fahrenheit and not more than seventy-eight (78) degrees Fahrenheit.

(6) Provide sufficient mechanical ventilation to:

(A) minimize drafts, offensive odors, and moisture condensation; and

(B) provide for the health and comfort of the dogs at all times.

(7) Ensure that each dog that is at least twelve (12) weeks of age has access to an exercise area every day for at least one (1) hour. The commercial dog breeder shall comply with the following requirements:

(A) The exercise area must allow for unfettered clearance for dogs from their primary enclosure.

(B) The exercise area must be at least two (2) times the size of the primary enclosure.

(C) The exercise area fencing must be kept in good repair and be free of rust, jagged edges, or other defects that could cause injury to a dog.

(D) The exercise area must be cleaned at least daily or more often if necessary to prevent accumulation of debris and waste and to reduce disease hazards, insects, pests, and odors.

(E) The exercise area must have ground that is solid and maintainable. Exercise areas may use gravel, packed earth, and grass.

(F) A nursing female dog and the dog's puppies may not be placed in a run with other adult dogs.

(8) Implant a microchip in every dog on the premises and all of the puppies that are sold, and ensure that the microchips are registered.

(9) Refrain from hiring a staff member who has been convicted of a misdemeanor or felony under IC 35-46-3.

Sec. 2. A commercial dog breeder shall provide enclosures for the dogs that conform to the following requirements:

(1) The enclosure is suited for the breed of dog.

(2) The enclosure is constructed to enable the dog to remain clean and dry.

(3) The enclosure is maintained in a manner to prevent the dog's injury or escape.

(4) The walls and floor of the enclosure are constructed of nonabsorbent, nonporous materials. However, wire flooring may not be used.

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(5) The enclosure must meet the following floor space requirements:

(A) The minimum floor space for one (1) dog, in square feet, is determined as follows:

STEP ONE: Measure dog from tip of nose to base of tail in inches.

STEP TWO: Add six (6) to the number determined in STEP ONE.

STEP THREE: Square the number determined in STEP TWO.

STEP FOUR: Divide the number determined in STEP THREE by one hundred forty-four (144).

STEP FIVE: Multiply the number determined in STEP FOUR by two (2).

(B) The minimum floor space for two (2) or more dogs, in square feet, where "n" is the total number of dogs more than two (2) dogs, is determined as follows:

STEP ONE: Determine the minimum floor space under clause (A) for the longest dog.

STEP TWO: Multiply the number determined in STEP ONE by two (2).

STEP THREE: Multiply the number determined in STEP ONE by 1.5n.

STEP FOUR: Add the STEP TWO result to the STEP THREE result.

Sec. 3. A commercial dog breeder shall ensure that each dog's enclosure is cleaned and disinfected to maintain a sanitary condition.

Sec. 4. A commercial dog breeder shall ensure that the dog is provided with sufficient food and water at an interval appropriate to the dog.

Sec. 5. A commercial dog breeder may not display, offer for sale, sell, or exchange a dog with obvious signs of infection, disease, or illness.

Sec. 6. If a commercial dog breeder offers a dog for sale, the commercial dog breeder shall clearly post a sign that states the following:

"THE FOLLOWING INFORMATION IS ALWAYS AVAILABLE ON ALL OF OUR DOGS AND PUPPIES: THE ANIMAL'S DATE OF BIRTH; CITY/TOWN AND STATE OF BIRTH; THE DATE (insert name of the commercial dog breeder) RECEIVED THE ANIMAL; THE ANIMAL'S

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COMPLETE VACCINATION, DEWORMING, MEDICATION, AND TREATMENT RECORDS; AND THE ANIMAL'S 15 DAY WARRANTY".

Sec. 7. (a) A commercial dog breeder shall provide a full refund of the purchase price of the dog to the purchaser of a dog who:

(1) either:

(A) not more than fifteen (15) days after the sale of the dog, has the dog examined by the purchaser's veterinarian, and the veterinary examination indicates that the dog is diseased; or

(B) not more than one (1) year after the sale of the dog, has the dog examined by the purchaser's veterinarian, and the veterinary examination indicates that the dog has a congenital disorder; and

(2) not more than four (4) business days after the date of the veterinarian's examination:

(A) returns the dog to the commercial dog breeder;

(B) presents the veterinarian's written statement that the dog is diseased or has a congenital disorder; and

(C) presents the proof of sale of the dog.

The purchaser may choose to accept an equivalent dog instead of a refund, at the sole discretion of the purchaser.

(b) The commercial dog breeder shall reimburse the purchaser of a dog returned under subsection (a) for reasonable veterinary bills for the diagnosis and treatment of the dog. The amount of reimbursement under this subsection may not exceed the original purchase price of the dog.

Sec. 8. A commercial dog breeder may not do any of the following:

(1) Maintain at a single address or location more than thirty (30) dogs that are at least one (1) year of age and that have not been spayed or neutered.

(2) Breed a female dog unless the dog:

(A) has a current annual certification from a licensed veterinarian that the dog is in suitable health for breeding;

(B) is at least eighteen (18) months of age; and

(C) is less than eight (8) years of age.

(3) Permit a female dog to whelp more than one (1) litter per year.

Chapter 5. Records

Sec. 1. A commercial dog breeder shall provide a consumer with:

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- (1) a copy of a dog's vaccination, medication, and treatment records; and
 - (2) a notice of the fifteen (15) day warranty;
- at the time a consumer purchases, exchanges, or adopts the dog.

Sec. 2. A commercial dog breeder shall maintain its records for at least five (5) years.

Chapter 6. Units

Sec. 1. (a) As used in this section, "unit" has the meaning set forth in IC 36-1-2-23.

(b) A unit may adopt an ordinance concerning regulation of commercial dog breeders that imposes more stringent or detailed requirements than the requirements under this article.

(c) A unit may not enforce an ordinance concerning the regulation of commercial dog breeders that contains requirements less stringent or detailed than the requirements under this article.

Chapter 7. Pet Dealers

Sec. 1. A pet dealer must maintain a log containing the:

- (1) name;
- (2) address;
- (3) city; and
- (4) state;

of the breeder and broker, if applicable, that provided each puppy sold by the pet dealer. The pet dealer must retain the log for at least two (2) years.

Sec. 2. A pet dealer must maintain veterinary records of every animal sold by the pet dealer. The pet dealer must retain the veterinary records of every animal sold or offered for sale by the pet dealer for at least two (2) years.

Sec. 3. A pet dealer shall make the breeder log described in section 1 of this chapter available to law enforcement officials.

Sec. 4. A pet dealer shall make the veterinary records described in section 2 of this chapter available to purchasers or prospective purchasers."

Page 4, line 27, delete "mistreatment" and insert "**cruelty**".

Page 4, line 32, reset in roman "**cruelty**".

Page 4, line 32, delete "mistreatment".

Page 4, delete lines 36 through 40.

Page 11, line 9, after "period" insert "**in a manner that endangers the animal's life or health;**

(C) tether an animal".

Page 11, line 12, strike "or".

Page 11, between lines 13 and 14, begin a new line triple block

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indented and insert:

"(iv) restrains the animal in a manner that physically harms the animal;".

Page 11, line 14, delete "(C)" and insert **"(D)"**.

Page 11, line 15, delete "." and insert **"; or"**.

Page 11, between lines 15 and 16, begin a new line double block indented and insert:

"(E) leave an animal outside exposed to:

(i) excessive heat without providing the animal with a means of shade from the heat; or

(ii) excessive cold if the animal is not provided with straw or another means of protection from the cold;

regardless of whether the animal is restrained or kept in a kennel."

Page 11, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 10. IC 35-46-3-5, AS AMENDED BY P.L.2-2008, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) Except as provided in subsections (b) through (c), this chapter does not apply to the following:

- (1) Fishing, hunting, trapping, or other conduct authorized under IC 14-22.
- (2) Conduct authorized under IC 15-20-2.
- (3) Veterinary practices authorized by standards adopted under IC 25-38.1-2-14.
- (4) Conduct authorized by a local ordinance.
- (5) Acceptable farm management practices.
- (6) Conduct authorized by IC 15-17-5, and rules adopted under IC 15-17-5 for state or federally inspected livestock slaughtering facilities.
- (7) A research facility registered with the United States Department of Agriculture under the federal Animal Welfare Act (7 U.S.C. 2131 et seq.).
- (8) Destruction of a vertebrate defined as a pest under IC 15-16-5-24.
- (9) Destruction of or injury to a fish.
- (10) Destruction of a vertebrate animal that is:
 - (A) endangering, harassing, or threatening livestock or a domestic animal; or
 - (B) destroying or damaging a person's property.
- (11) Destruction of an animal by an animal control program, including an animal control facility, an animal shelter, or a humane society.**

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(b) Section 1 of this chapter applies to conduct described in subsection (a).

(c) Destruction of an animal by electrocution is authorized under this section only if it is conducted by a person who is engaged in an acceptable farm management practice, by a research facility registered with the United States Department of Agriculture under the Animal Welfare Act, or for the animal disease diagnostic laboratory established under IC 21-46-3-1, a research facility licensed by the United States Department of Agriculture, a college, or a university.

SECTION 11. IC 35-46-3-4.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 4.4. (a) As used in this chapter, "domestic animal" means an animal that is not wild.**

(b) The term is limited to:

- (1) cattle, calves, horses, mules, swine, sheep, goats, dogs, cats, poultry, ostriches, rhea, emus, or other birds;**
- (2) an animal of the bovine, equine, ovine, caprine, porcine, canine, feline, avian, camelid, cervidae, or bison species; or**
- (3) an aquatic animal that may be the subject of aquaculture (as defined in IC 15-11-7-1)."**

Page 11, delete line 42.

Delete page 12.

Page 13, delete lines 1 through 3, begin a new paragraph and insert:

"SECTION 14. IC 35-46-3-12.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 12.3. (a) A person who knowingly or intentionally kills a domestic animal without the consent of the owner of the domestic animal commits killing a domestic animal, a Class A misdemeanor.**

(b) However, the offense described in subsection (a) is a Class D felony if the person knew or reasonably should have known that the domestic animal was located on real property that was owned by:

- (1) the owner of the domestic animal; or**
- (2) a person who keeps domestic animals on the real property for the purpose of breeding, boarding, or training domestic animals.**

(c) It is a defense that the accused person reasonably believed the conduct was necessary to prevent injury to the accused person or another person."

Page 13, line 5, after "IC 35-46-3-7," insert "and".

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Page 13, line 5, delete "and IC 35-46-3-12,".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1468 as introduced.)

PIERCE, Chair

Committee Vote: yeas 11, nays 1.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1468 be amended to read as follows:

Page 9, delete lines 12 through 17.

Page 9, line 18, delete "(6)" and insert "(5)".

Page 9, line 23, delete "(7)" and insert "(6)".

Page 10, delete lines 1 through 3.

Page 10, line 4, delete "(9)" and insert "(7)".

Page 10, delete lines 16 through 40.

(Reference is to HB 1468 as printed February 13, 2009.)

WALORSKI

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred House Bill No. 1468, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning animals and to make an appropriation.

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 4-6-3-2, AS AMENDED BY P.L.222-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) The attorney general shall have charge of and direct the prosecution of all civil actions that are brought in the name of the state of Indiana or any state agency.

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(b) In no instance under this section shall the state or a state agency be required to file a bond.

(c) This section does not affect the authority of prosecuting attorneys to prosecute civil actions.

(d) This section does not affect the authority of the inspector general to prosecute a civil action under IC 4-2-7-6 for the recovery of funds misappropriated, diverted, missing, or unlawfully gained.

(e) The attorney general may bring an action to collect unpaid registration fees owed by a commercial dog broker or a commercial dog breeder under IC 15-21."

Delete pages 2 through 3.

Page 4, delete lines 1 through 22.

Page 7, delete lines 20 through 21, begin a new line block indented and insert:

"(32) Establish a registry of commercial dog brokers and commercial dog breeders in Indiana."

Page 7, delete lines 28 through 39, begin a new paragraph, and insert:

"Sec. 1. (a) This article does not apply to:

- (1) an animal shelter;**
- (2) a humane society;**
- (3) an animal rescue operation that complies with the standards of care set forth in 9 CFR 3.1 through 9 CFR 3.12;**
- (4) a hobby breeder;**
- (5) a person who breeds sport dogs for hunting purposes; or**
- (6) a person who breeds dogs for use by the police or the armed forces.**

(b) As used in this section, "animal rescue operation" means a person or organization:

- (1) that accepts within one (1) year:**
 - (A) more than twelve (12) dogs; or**
 - (B) more than nine (9) dogs and more than three (3) unweaned litters of puppies;**
- that are available for adoption for human companionship as pets or as companion animals in permanent adoptive homes and that are maintained in a private residential dwelling; or**
- (2) that uses a system of private residential dwellings as foster homes for the dogs.**

The term does not include a person or organization that breeds dogs.

(c) As used in this section, "hobby breeder" means a person who maintains fewer than twenty (20) unaltered female dogs that are at

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least twelve (12) months of age."

Page 8, delete lines 2 through 4, begin a new paragraph and insert:

"Sec. 4. "Commercial dog breeder" means a person who maintains more than twenty (20) unaltered female dogs that are at least twelve (12) months of age.

Sec. 5. "Commercial dog broker" means a person:

(1) who is a Class "B" licensee under 9 CFR 1.1; and

(2) who sells at least five hundred (500) dogs in a calendar year."

Page 8, line 5, delete "Sec. 5." and insert **"Sec. 6."**

Page 8, line 7, delete "Sec. 6." and insert **"Sec. 7."**

Page 8, delete lines 9 through 13.

Page 8, line 16, after "Commercial" insert **"Dog Broker and Commercial"**.

Page 8, delete lines 17 through 19, begin a new paragraph and insert:

"Sec. 1. A person may not operate:

(1) a commercial dog breeder operation; or

(2) as a commercial dog broker;

without being registered with the board in accordance with this chapter."

Page 8, line 23, beginning with "shall" begin a new line blocked left.

Page 8, delete lines 25 through 29, begin a new paragraph and insert:

"Sec. 3. (a) A commercial dog breeder who knowingly or intentionally fails to register with the board as a commercial dog breeder commits a Class A misdemeanor.

(b) A commercial dog broker who knowingly or intentionally fails to register with the board as a commercial dog broker commits a Class A misdemeanor.

(c) A commercial dog breeder or a commercial dog broker who fails to register with the board is liable to the state for two (2) times the amount of registration fees that the commercial dog breeder or commercial dog broker failed to pay. The attorney general may bring an action to collect unpaid commercial dog breeder or commercial dog broker registration fees. Funds collected under this subsection shall be deposited in the commercial dog breeder and broker fund established by IC 15-21-3-3."

Page 8, line 30, delete "Renewal of a".

Page 8, line 30, after "Registration" insert **"Requirements"**.

Page 8, delete lines 31 through 42, begin a new paragraph, and insert:

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"Sec. 1. (a) A commercial dog breeder shall register annually with the board.

(b) The board shall provide for notice of the upcoming expiration of registration to each registrant at least thirty (30) days before the expiration of the one (1) year period.

(c) The fee to register or renew a registration as a commercial dog breeder is:

(1) seventy-five dollars (\$75) if the person has not more than fifty (50) unaltered female dogs at least twelve (12) months of age;

(2) two hundred dollars (\$200) if the person has more than fifty (50) but not more than one hundred (100) unaltered female dogs at least twelve (12) months of age;

(3) three hundred dollars (\$300) if the person has more than one hundred (100) but not more than one hundred fifty (150) unaltered female dogs at least twelve (12) months of age;

(4) four hundred dollars (\$400) if the person has more than one hundred fifty (150) but not more than two hundred fifty (250) unaltered female dogs at least twelve (12) months of age;

and

(5) five hundred dollars (\$500) if the person has more than two hundred fifty (250) unaltered female dogs at least twelve (12) months of age.

The fee shall be deposited in the commercial dog breeder and broker fund established by section 3 of this chapter.

(d) A person who registers or renews a registration as a commercial dog breeder must include the following:

(1) The name and address of the person's commercial dog breeding operation.

(2) The name and address of the registrant.

(3) A statement that the person's commercial dog breeding operation complies with the requirements of IC 15-21-4.

(4) Any other information related to taxation that is required by the board.

(e) A person who knowingly or intentionally makes a material misstatement in a commercial dog breeder registration statement commits false registration as a commercial dog breeder, a Class A misdemeanor.

Sec. 2. (a) A commercial dog broker shall register annually with the board.

(b) The board shall provide for notice of the upcoming expiration of registration to each registrant at least thirty (30) days

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before the expiration of the one (1) year period.

(c) The fee to register or renew a registration as a commercial dog broker is one thousand dollars (\$1,000). The fee shall be deposited in the commercial dog breeder and broker fund established by section 3 of this chapter.

(d) A person who registers or renews a registration as a commercial dog broker must include the following:

- (1) The name and address of the person acting as a commercial dog broker.
- (2) The name and location of the person's commercial dog broker business.
- (3) Any other information related to taxation that is required by the board.

(e) A person who knowingly or intentionally makes a material misstatement in a commercial dog broker registration statement commits false registration as a commercial dog broker, a Class A misdemeanor.

Sec. 3. (a) The commercial dog breeder and broker fund is established for the purpose of funding:

- (1) the inspection of commercial dog breeding operations by the board; and
- (2) the enforcement by the board of laws concerning commercial dog breeders and commercial dog brokers.

The fund shall be administered by the board.

(b) The fund consists of:

- (1) commercial dog breeder and commercial dog broker fees; and
- (2) donations to the fund.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(f) Money in the fund is continually appropriated to carry out the purposes of the fund.

(g) The board may adopt rules under IC 4-22-2 to implement this chapter.

Chapter 4. Duties of Commercial Dog Breeders

Sec. 1. A commercial dog breeder shall comply with the

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standards of care set forth in 9 CFR 3.1 through 9 CFR 3.12."

Delete pages 9 through 10.

Page 11, delete lines 1 through 20.

Page 11, line 23, delete ":".

Page 11, line 24, delete "(1)".

Page 11, line 25, delete "; and".

Page 11, delete line 26.

Page 11, run in lines 23 through 27.

Page 11, line 33, after "may" insert **"not"**.

Page 11, line 36, after "not" insert **"adopt or"**.

Page 11, delete lines 39 through 42, begin a new paragraph, and insert:

"Chapter 7. Enforcement

Sec. 1. (a) The board may enforce this article when the board determines that sufficient funds have been deposited in the commercial dog breeder and broker fund to permit enforcement.

(b) In enforcing this article, the board may:

(1) seek injunctive relief;

(2) issue an order of compliance notifying the commercial dog breeder or commercial dog broker of a violation and requiring corrective action by a certain date; and

(3) impose a civil penalty of not more than:

(A) five hundred dollars (\$500) for a knowing violation;

(B) one thousand dollars (\$1,000) for an intentional violation; and

(C) five thousand dollars (\$5,000) for knowingly or intentionally violating an injunction.

(c) The board may seek an injunction to prohibit a commercial dog breeder from registering with the board for not more than three (3) years.

(d) Subsection (a) does not prohibit the board from assisting a law enforcement agency in a criminal investigation."

Page 12, delete lines 1 through 14.

Page 12, line 17, delete "or registered".

Page 12, line 18, delete "veterinary technician".

Page 12, delete lines 27 through 42.

Delete pages 13 through 17.

Page 18, delete lines 1 through 10.

Page 18, line 37, delete "in a".

Page 18, delete line 38.

Page 18, line 39, delete "(C) tether an animal".

Page 18, run in lines 37 through 39.

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Page 19, line 4, delete "medical".
 Page 19, line 4, delete "an animal's" and insert "**a dog's**".
 Page 19, line 5, delete "; or" and insert "**if the injury or illness seriously endangers the life or health of the dog.**".
 Page 19, delete lines 6 through 12.
 Page 19, line 16, reset in roman "cat or dog,".
 Page 19, line 16, delete "vertebrate animal".
 Page 19, line 17, reset in roman "cat or dog".
 Page 19, line 17, delete "vertebrate animal".
 Page 19, line 18, reset in roman "cat or dog".
 Page 19, line 18, delete "vertebrate".
 Page 19, line 19, delete "animal".
 Page 19, line 32, strike "IC 15-17-5," and insert "**IC 15-17,**".
 Page 19, line 33, strike "IC 15-17-5" and insert "**IC 15-17**".
 Page 19, line 34, after "facilities" insert "**and state or federal animal disease control programs**".
 Page 20, between lines 5 and 6, begin a new line block indented and insert:
 "(12) Destruction of an injured or ill animal by an individual to prevent the animal from prolonged suffering."
 Page 20, delete lines 15 through 25.
 Page 20, line 30, reset in roman "Class B misdemeanor."
 Page 20, line 30, delete "Class A".
 Page 20, line 31, delete "misdemeanor."
 Page 20, line 32, delete "Class D felony" and insert "**Class A misdemeanor**".
 Page 20, delete lines 37 through 42.
 Page 21, delete lines 1 through 18.
 Page 21, line 19, after "IC 35-46-3-0.5" delete "," and insert "**and**".
 Page 21, line 20, delete "and IC 35-46-3-10, all" and insert "**both**".
 Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1468 as reprinted February 18, 2009.)

STEELE, Chairperson

Committee Vote: Yeas 8, Nays 0.

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